

Remarks/Arguments:

The pending claims are 1-30 and 40-42. Claims 31-39 and 43-58 have been canceled. Claims 1-30 have been allowed.

Claims 40-42 have been rejected under 35 U.S.C. § 102(e) as anticipated by Martin (U.S. Patent No. 5,575,817). The rejection is respectfully traversed.

Claim 40 recites, in part:

said generally cylindrical supportive leg component and one of said leg portions of said liner, when said leg component and trunk component are deployed within the body vessel, are telescopically positioned with respect to each other.

Page 3 of the Office Action contends that Martin shows "a generally cylindrical supportive leg component 2 which is telescopically positioned with respect to one of the leg portions 6 of the liner (col. 3, lines 29-34)." Applicants respectfully disagree.

Applicants' specification discusses what is meant by "telescopically."

It will be noted that it is **not required** to actually attach the trunk component 101 and the tubular components 108, 115 together. In other words, these components are generally telescopically positioned with respect to each other. This telescopic feature **allows some slippage** between the trunk component and the tubular leg components, thereby providing a telescopic joint which functions as a slip bearing.

(col. 11, lines 55-61) (emphasis added)

In contrast, Martin teaches away from a telescopic joint arrangement between its section 2 and its section 5. Instead, Martin teaches that the two sections are, in fact, attached to each other.

Martin states the following:

The second stage of the method according to the invention involves the insertion and **attachment** of the second section of the graft to the first section. Once the second section is **attached** to the first section, the inverted Y is complete. (col. 1, lines 63-67) (emphasis added)

By partially withdrawing the retractable membrane, the second section of the inverted Y is released and **expands to form a fit**, which may be reinforced with barbs or hooks, with the first section of the inverted Y. (col. 2, lines 24-28) (emphasis added)

The upper end 13 of the second section 2 is slightly larger in diameter than the corresponding diameter 14 of the partial length of the second lower limb 5 of the first section 1. This allows for a **friction fit** of the two sections when the second section 2 expands within the first section 1. Alternatively or in conjunction with the friction fit, the upper end 13 may include a fastener means such as barbs, outward-facing hooks, or **some other means of attachment**. (col. 3, lines 30-35) (emphasis added)

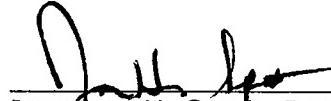
As it deploys, the second section expands under the force of the expandable mesh and **fastens** to the inside of the first section. The **fastening means** may be barbs, hooks, or some other means. (col. 4, lines 24-27) (emphasis added)

These quotations from Martin show that Martin's two stages/sections are **fastened** together/**attached** to each other and are **required** to be fastened/attached to each other. There is no disclosure in Martin that the two sections are "telescopically positioned with respect to each other." For all of the above reasons, therefore, claims 40-42 are not subject to rejection under 35 U.S.C. § 102(e) as anticipated by Martin.

Accordingly, claims 40-42 are in condition of allowance and an early indication of allowance is requested.

Respectfully submitted,

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